

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 395

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Tim Eichenberg

AN ACT

RELATING TO MOTOR VEHICLES; INCREASING THE PENALTY FOR A
RAILROAD-HIGHWAY GRADE CROSSING VIOLATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 66-8-116 NMSA 1978 (being Laws 1978,
Chapter 35, Section 524, as amended) is amended to read:

"66-8-116. PENALTY ASSESSMENT MISDEMEANORS--
DEFINITION--SCHEDULE OF ASSESSMENTS.--

A. As used in the Motor Vehicle Code, "penalty
assessment misdemeanor" means violation of any of the following
listed sections of the NMSA 1978 for which, except as provided
in Subsections D and E of this section, the listed penalty
assessment is established:

COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY ASSESSMENT
------------------------	------------------	-----------------------

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1	Permitting unlicensed		
2	minor to drive	66-5-40	\$ 10.00
3	Failure to obey sign	66-7-104	10.00
4	Failure to obey signal	66-7-105	10.00
5	Speeding	66-7-301	
6	(1) up to and including		
7	ten miles an hour		
8	over the speed limit		15.00
9	(2) from eleven up to		
10	and including fifteen		
11	miles an hour		
12	over the speed limit		30.00
13	(3) from sixteen up to		
14	and including twenty		
15	miles an hour over the		
16	speed limit		65.00
17	(4) from twenty-one up to		
18	and including twenty-five		
19	miles an hour		
20	over the speed limit		100.00
21	(5) from twenty-six up to		
22	and including thirty		
23	miles an hour over the		
24	speed limit		125.00
25	(6) from thirty-one up to		

.175987.1

underscored material = new
[bracketed material] = delete

1	and including thirty-five		
2	miles an hour over the		
3	speed limit		150.00
4	(7) more than thirty-five		
5	miles an hour over the		
6	speed limit		200.00
7	Unfastened safety belt	66-7-372	25.00
8	Child not in restraint device		
9	or seat belt	66-7-369	25.00
10	Minimum speed	66-7-305	10.00
11	Speeding	66-7-306	15.00
12	Improper starting	66-7-324	10.00
13	Improper backing	66-7-354	10.00
14	Improper lane	66-7-308	10.00
15	Improper lane	66-7-313	10.00
16	Improper lane	66-7-316	10.00
17	Improper lane	66-7-317	10.00
18	Improper lane	66-7-319	10.00
19	Improper passing	66-7-309 through 66-7-312	10.00
20	Improper passing	66-7-315	10.00
21	Controlled access		
22	violation	66-7-320	10.00
23	Controlled access		
24	violation	66-7-321	10.00
25	Improper turning	66-7-322	10.00

.175987.1

underscored material = new
[bracketed material] = delete

1	Improper turning	66-7-323	10.00
2	Improper turning	66-7-325	10.00
3	Following too closely	66-7-318	10.00
4	Failure to yield	66-7-328 through 66-7-331	10.00
5	Failure to yield	66-7-332	50.00
6	Failure to yield	66-7-332.1	25.00
7	Pedestrian violation	66-7-333	10.00
8	Pedestrian violation	66-7-340	10.00
9	Failure to stop	66-7-342 and 66-7-344	
10		through 66-7-346	10.00
11	Railroad-highway grade		
12	crossing violation	66-7-341 and 66-7-343	[10.00] <u>150.00</u>
13	Passing school bus	66-7-347	100.00
14	Failure to signal	66-7-325 through 66-7-327	10.00
15	Failure to secure load	66-7-407	100.00
16	Operation without oversize-		
17	overweight permit	66-7-413	50.00
18	Improper equipment	66-3-801	10.00
19	Improper equipment	66-3-901	20.00
20	Improper emergency		
21	signal	66-3-853 through 66-3-857	10.00
22	Operation interference	66-7-357	5.00
23	Littering	66-7-364	300.00
24	Improper parking	66-7-349 through 66-7-352	
25		and 66-7-353	5.00

.175987.1

underscored material = new
[bracketed material] = delete

1	Improper parking	66-3-852	5.00
2	Failure to dim lights	66-3-831	10.00
3	Riding in or towing		
4	occupied house trailer	66-7-366	5.00
5	Improper opening of doors	66-7-367	5.00
6	No slow-moving vehicle		
7	emblem or flashing		
8	amber light	66-3-887	5.00
9	Open container - first		
10	violation	66-8-138	25.00.

11 B. The term "penalty assessment misdemeanor" does not
12 include a violation that has caused or contributed to the cause of
13 an accident resulting in injury or death to a person.

14 C. When an alleged violator of a penalty assessment
15 misdemeanor elects to accept a notice to appear in lieu of a
16 notice of penalty assessment, a fine imposed upon later conviction
17 shall not exceed the penalty assessment established for the
18 particular penalty assessment misdemeanor and probation imposed
19 upon a suspended or deferred sentence shall not exceed ninety
20 days.

21 D. The penalty assessment for speeding in violation of
22 Paragraph (4) of Subsection A of Section 66-7-301 NMSA 1978 is
23 twice the penalty assessment established in Subsection A of this
24 section for the equivalent miles per hour over the speed limit.

25 E. Upon a second conviction for operation without a

.175987.1

underscored material = new
~~[bracketed material]~~ = delete

1 permit for excessive size or weight pursuant to Section 66-7-413
2 NMSA 1978, the penalty assessment shall be two hundred fifty
3 dollars (\$250). Upon a third or subsequent conviction, the
4 penalty assessment shall be five hundred dollars (\$500)."

5 - 6 -
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25